

Dear Chairperson Heikin,

The Warrant Article 26 (WA26) petitioners would like to share our response to the Planning Department report entitled “Article 26: Fossil-Fuel-Free Special Permits” from 3/26/21.

We thank the Planning Department for the review. The comments on projects requiring Special Permits for design review alone (and no other relief) are especially appreciated. In response, we have proposed to exempt projects in this situation. This feedback was very helpful.

Unfortunately, however, much of the rest of what was written in the report is problematic, in many ways reopening debate on a concept that has twice been passed by near-unanimous votes at Town Meeting. These votes indicate the Town’s will to incentivize or require FFF construction, up to and including – should it be allowed by the State Legislature – the ability to deny building permits to anyone who is not building FFF. In light of this will, and all the logic that is aligned with it, the Planning Department’s focus on costs seems out of line.

A few points in the Planning Department’s description of our WA require clarification:

- Buildings would be allowed to retain fossil fuel infrastructure under WA26, while still receiving a conventional special permit. It is *installation of new* fossil fuel infrastructure *during new construction or Significant Rehabilitation* that would trigger issuance of an expiring special permit.
- It is only central domestic hot water that is exempted for buildings over 10,000 sq ft, not entire buildings.
- Infrastructure to support gas cooking would be exempted.
- Expiring special permits would be eligible to be renewed or re-issued every year indefinitely.

We think that the impacts articulated in the report, including “drastic impacts on the rate of development in Brookline,” are overstated.¹ Citizens are increasingly aware that climate change is a real issue and that inefficient fossil fuel buildings are therefore an issue. The premium that people are already willing to pay to live and work in a “future-ready” building is only going to go up, and environmentally friendly buildings will be increasingly valuable over time.

The fears about impeding development seem to come from a misunderstanding of the practicality and cost of electric buildings. FFF buildings are being avidly pursued by the BHA,

¹ (A) <https://www.usgbc.org/articles/business-case-green-building>
(B) <https://www.builditgreen.org/green-certified-homes-bring-higher-sales-prices-despite-market-barriers>
(C) [Affordable Housing: Saving Energy & Money While Addressing Climate and Equity Goals. - YouTube](#) : See Colin Booth at minute 51:15: “Over a ten year period...(our all-electric) market rate work has consistently sold at a premium of 8-28% above market comps.
(D) see Jacob Knowles at minute 28:10 in [Building Electrification - YouTube](#)

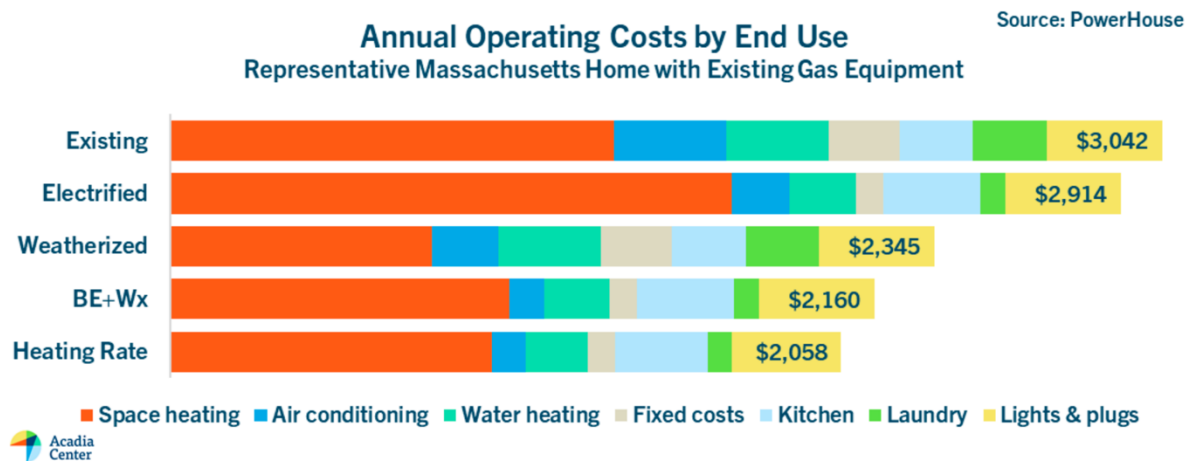


Figure 1. Electrification is already at approximate cost parity (without weatherization). Source: The Acadia Center.

by 2Life and by many affordable and 40B projects in Town, as well as by private homeowners. Many other Towns and Cities, several of them abutting or close neighbors, are in the process of enacting FFF Home Rule Petitions using the identical commercial and residential renovation thresholds that we are proposing. If developers are going to go elsewhere as claimed, they will have to move increasingly farther afield. Moreover, the report's assertion that applicants can easily skirt the incentives created by WA26 by claiming financial infeasibility seems to contradict the claim that Brookline would see a drastic reduction in building activity.

The report correctly states that it may not be easy to secure financing with an expiring special permit. This is a key feature of the incentive created by WA26, not a flaw. In most cases, there will be no reason for anyone to opt for an expiring special permit, since FFF construction is practical and cost-effective. Nevertheless, when a waiver is justified, it will be granted, as the Board of Appeals will see an engineer's calculations and easily understand that FFF infrastructure in a particular project is not feasible.

The report's reference to Boston's "Guidebook for Zero-emissions buildings"² in the section entitled "Equity" draws the following conclusions:

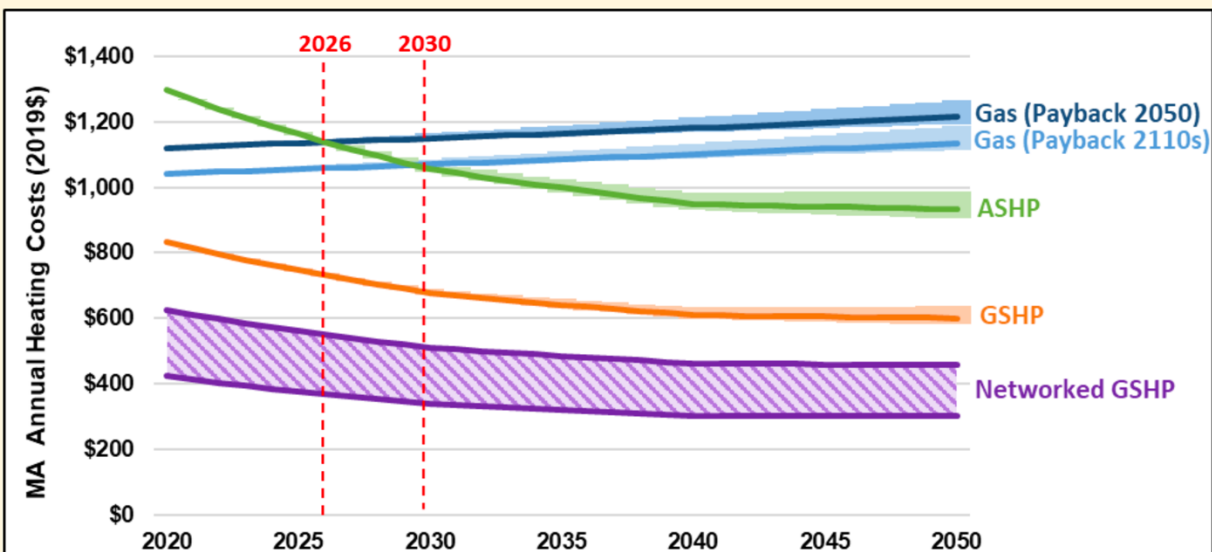
*"Although operational cost parity between FFF buildings and traditional fuel buildings can be achieved by following Stretch Code for single-family buildings[1], **multifamily buildings require insulation and weatherization exceeding Stretch Code**[2]. Accordingly, this article provides no guarantee that the multifamily buildings permitted under this section would be designed with the necessary energy-efficiency standards to ensure operational cost parity. Without this and given the fact that electricity is typically zoned, future residents of the buildings will bear the burden through high energy costs. In the case of rental units, unless energy costs are capitalized into the cost of rent, this presents a potential equity issue by transferring the burden created by operational inefficiency from the developer to renters."*

² https://www.boston.gov/sites/default/files/file/2020/03/200306_DND%20book_FOR%20WEB.pdf

We have reviewed the “Guidebook for Zero-emissions buildings” referenced in the report, and we find no support for the claims for which it is cited.

The BHA has completed the installation of VRF ASHPs at 61 Park Street (a renovation with no added insulation) and is in the process of installing VRF ASHPs at 90 Longwood Street, with insulation when possible, but not close to Passive House standards. Developers building to Passive House standards are also producing buildings with operational costs that are significantly less than traditionally designed buildings – an example is the HSL/Center Street Communities’ proposed new affordable senior housing development on Center Street.

The social equity concerns articulated in the report seem to us to be at odds with facts. All-electric buildings are at approximate cost parity for an identical building with gas versus all-electric heat (Fig. 1). Furthermore, the cost of gas is already rising and will likely continue to do so due to the costs of replacing our aging pipeline infrastructure. The more realistic social equity concern is that lower-income families will bear the increasing costs of gas infrastructure (Fig. 2). In addition, by our continued insistence on using gas, we are depending on sacrifice zones in other places that we conveniently don’t choose to see – some like our nearby neighbors in Weymouth, others in the Pennsylvania fracking fields.³



Castigliero, J.R., S. Alisalad, T. Stasio, and E.A. Stanton. January 2021. *Inflection Point: When Heating with Gas Costs More*. Applied Economics Clinic. Prepared for HEET. [\[Online\]](#).

Figure 2. Buildings with electric heat built today are projected to be less expensive to operate than identical gas buildings by 2026-2030.

³ [Weymouth Compressor Station Will Pause Operation After Another Shutdown – CBS Boston \(cbslocal.com\)](#)
[Pennsylvania fracking map | NPR StateImpact](#)

We cannot continue to install fossil fuel systems that are designed to last at least 30 years or more, past the point when we have committed to be net-zero. In order to stay within 1.5°C global warming average and avoid what the IPCC considers “the most catastrophic effects of climate change,” we need to reduce our carbon emissions by 50% in less than seven years.⁴ Acceptance of this basic premise seems to be part of the issue. We can problem solve together, but first we must agree on the goal and its urgency.

Town Meeting has made it clear that it supports decisive action on this issue. We urge you, the Planning Board, and the Planning Department to modify the “Article 26: Fossil-Fuel-Free Special Permits” [3/26/21] report and to work with us in this critically important effort.

Sincerely,

Jesse Gray, TMM10
Lisa Cunningham, TMM15
Kathleen Scanlon, TMM3
Scott Englander, TMM6
Werner Lohe, TMM13

⁴ **We have seven years to reduce our carbon emissions by 50% if we want to stay within 1.5 d C , or what the IPCC refers to as “avoiding the most catastrophic effects of climate change”.**
<https://www.mcc-berlin.net/en/research/co2-budget.html>